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SUBJECT: 2008 COUNTRY CHILD LABOR REPORT FOR TRINIDAD AND TOBAGO

REF: 08 STATE 127448

I1. This cable contains updated information for required reporting under the Trade and Development Act (TDA) concerning child labor in the Republic of Trinidad and Tobago. (TT).

IA. Laws and regulations proscribing the worst forms of child labor:

The Government of Trinidad and Tobago (GOTT) has ratified ILO Convention 138. However, plans to amend legislation to comply with ILO convention 182 have yet to be realized because the GOTT has not developed a list of occupations considered the worst forms of child labor.

The Minimum Age for Admission to Employment Act of 2007 sets the minimum age for employment in public and private industries at 16. However, children aged 14 to 16 may work in activities in which only family members are employed, or that have been approved as vocational or technical training by the Minister of Education. Children under the age of 18 are prohibited from working between the hours of 10 PM and 5 AM except in a family enterprise or within other limited exceptions. One such exception permits children from 16 to 18 to work at night in sugar factories (however, sugar production came to an end in 2007 after the withdrawal of government support for the industry). Violation of these regulations is subject to fines. There is no compulsory military service in Trinidad and Tobago, and the minimum age for voluntary military recruitment is 18; however, with parental consent the age limitation is lowered to 16.

There are no laws specifically prohibiting trafficking, but the Sexual Offences Act prohibits procuring a minor under the age of 16 for the purpose of prostitution. The penalty for procurement is 15 years imprisonment. Trafficking may also be prosecuted under laws addressing kidnapping, labor conditions, procurement of sex, prostitution, slavery, and indentured servitude. The use of children under 16 in pornography is also prohibited. In June, the Trinidad and Tobago parliament enacted the International Child Abduction Law of 2008, which establishes a Civil Child Abduction Authority in compliance with the Hague Convention of 1980 on the Civil Aspects of International Child Abduction.

IB. Regulations for implementation and enforcement of proscriptions against the worst forms of child labor:

The Ministry of Labor and Small and Micro-Enterprise and the Social Services Delivery Unit in the Office of the Prime Minister are responsible for enforcing child labor provisions. In 2004, the GOTT created the National Steering Committee on the Prevention and Elimination of Child Labor in Trinidad and Tobago. The committee is tasked with developing a national policy to eliminate all forms of child labor. Its responsibilities include creating a plan of action, reviewing and recommending legislation, and inter-organizational coordination.

Central to the proposed national policy is the creation of a Children's Authority, which will be tasked with the oversight of the well being of all children in Trinidad and Tobago. The Authority has the ultimate responsibility for receiving child labor complaints, conducting investigations, enforcing child labor regulations, and sheltering exploited children temporarily. The existing Family Court is to work in conjunction with the Authority to adjudicate legal cases, enforce child labor provisions, and determine the disposition of exploited children.

Penal sanctions for the employment of children are contained in laws such as the Children's Act, Shipping Act, and Occupational Safety and Health Act. At the Ministry of Labor and Small and Micro Enterprises the Labor Inspectorate Unit has the mandate to investigate child labor issues in the workplace. Currently, there are 19 inspectors on staff. The labor inspectors are trained to identify cases of child labor. Under the Minimum Age for Admission to Employment Act of 2007, the labor inspectors are given the power to enter, inspect, and examine at all reasonable hours any premises when there is reasonable cause to believe that violations are taking place. Furthermore, the inspector has the authority to request information with respect to wage, terms and condition for a person under the age of eighteen years.

There have been no child labor investigations conducted over the past year that resulted in fines, penalties or convictions. The Labor Inspectorate Unit is being restructured to strengthen its capacity to monitor and enforce workplace standards, of which child labor laws are one aspect. The Unit has prepared an informational booklet that outlines all legislation that it enforces and also encourages compliance with this legislation so that both employers and employees are aware of their rights and responsibilities. A

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section in the booklet speaks to the employment of children.

¶C. Social programs specifically designed to prevent and withdraw children from the worst forms of child labor:

The Ministry of Education has a variety of programs to help children stay in school and thus minimize the risk of child labor. These include school guidance and counseling, special education and inclusive education, a school social work program, school transportation and nutrition programs, and literacy remediation and alternative education programs.

The Ministry of National Security has a number of programs that target "at risk" youths. These include the Civilian Conservation Corps, Military-led Academic Training, and the Military-led Youth Program of Apprenticeship and Reorientation Training. These programs are incorporated within the Specialized Youth Service Programs, and are designed to enhance self-esteem, academic and life skills, and civic-mindedness. In addition, the private entity SERVOL of Trinidad and Tobago offers life skills development for various age groups.

¶D. A comprehensive policy aimed at the elimination of the worst forms of child labor:

In July 2004, a National Steering Committee for the Prevention and Elimination of Child Labor was established. The committee developed a draft National Policy for the Prevention and Elimination of Child Labor in Trinidad and Tobago. However, this policy remains ineffectual as it has yet to be finalized. It will be submitted to cabinet for approval following a period of stakeholder consultation that is currently ongoing.

Education is compulsory up to the age of 12, and public education is free for all elementary and secondary students up to the age of 20. In addition, higher education is free for nationals at public universities, as well as for approved programs at private institutions. The Ministry of Education estimated that 89% of school-age children attended school, and most students achieved the equivalent of a high school diploma. Many public schools failed to meet the needs of the school-age population due to overcrowding, substandard physical facilities, and occasional classroom violence.

With regard to such violence, school as well as law enforcement officials are concerned by the increasing level of gang recruitment within the schools. The government committed resources to building new facilities and also expanded access to free secondary education.

E. Continual progress toward eliminating the worst forms of child labor:

Although current information on the incidence of child labor is not available, the Ministry of Labor and Small and Micro-Enterprise provided post with statistics from 2005. A rapid assessment study conducted by the ILO in 2002 indicated that an estimated 1.2% of children aged 5-14 are engaged in paid work, and less than 1% participate in unpaid work for someone other than a household member. UNICEF's 2000 Multiple Indicators Cluster Survey of Trinidad and Tobago estimated that 4.1% of children are engaged in paid work. Since 2000, however, the local economy has experienced an oil and gas-led boom that has lowered overall unemployment, and accelerated a shift away from traditional agriculture, reducing demand for child labor.

The same ILO rapid assessment identified four occupational areas considered the worst forms of child labor: scavenging, agriculture, commercial sexual activity and domestic work. Of particular note is the decline of agricultural employment as the sugar industry has disappeared. The GOTT closed the state-owned sugar company in 2003, and virtually all sugar production ceased in 2007 following that year's harvest. Past reports indicated that of the minimal percentage of agricultural children workers, the majority were Indo-Trini males. However, 2007 statistics demonstrate a further decline of youth workers in the general agricultural industry.

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